

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
Madison County Administration Building, Public Meeting Room
January 28, 2019**

1. Call to Order: 6:04 p.m. by President John Fountain

2. Roll Call

Members present: Pat Bradley, John Fountain, Tamara Millican-Wood, Jacqueline McCurdy, Darlene Tussing, Rita Owens, Lincoln Roberts

Members not present: Ethan Kunard; David Maddison

Staff present: Charity Fechter (Planning Director), Leona Stredwick (Planner I), Cody Marxer (Planning Clerk)

Others present: Adam Johnson (Big Sky Community Organization), Steve Johnson (Big Sky resident & board member), Candace Strauss (Big Sky Chamber), Ciara Wolfe (Big Sky Community Organization), Justin Houser (Houser Engineering), Mike Ducuennois (Yellowstone Club), Jessi Fanelli (Lone Mountain Land Company), Christina Calabrese (Lone Mountain Land Company), Trever Mc Spadden (Haystack Development), Curtis Housman (Freddy's Place landowner), Chad Housman (Freddy's Place representative), Kevin Germain (Lone Mountain Land Company)

3. Minutes: October 29, 2018, and November 26, 2018

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| <p>MOTION: To accept the minutes of the October 29, 2018, and November 26, 2018 meetings. Moved by John Fountain and passed by acclimation.</p> |
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4. President's Comments:

- A. Welcome to new members and thank you to returning members.
- B. The Board accepted the Commissioner's appointment of Tamara Millican-Wood to the Planning Board.
- C. Reminded Board members to contact Cody with any changes or updates to contact information.
- D. Shared a summary of a recent article in the Madisonian about Sheridan students who helped run a town council meeting with a very positive outcome.

5. Opportunity for Public Comment for items not on the agenda: None

6. Statement of Conflict of Interest/Ex Parte Communications:

John Fountain: Have had many interactions with Big Sky owners in the last couple months. Many Moonlight Basin owners were on-site during the holidays. The gate relocation on Jack Creek Road has created 'winners and losers'. Have been personally threatened by owners and their attorneys regarding not being informed about the gate relocation; "What are YOU going to do about it?" ~500 acres has been made public due to this gate relocation; these properties have sentimental value to the owners and they are concerned that their heirs will sell out for money; owners want to talk to anyone who will listen and their attorneys have many details. Had many conversations with Charity Fechter regarding the gate relocation

and property owner's rights. The biggest loser in this situation is the elk herd, as their territory has been altered.

While out on the trail, had an interaction with a woman who is very upset about the condition of Jack Creek Road and how that affects safety in emergencies. Told her about what has been improved but reminded her that the bottom of the road is a challenge to maintain. She was not satisfied with that information. Concern is that with additional development, this will remain an issue.

Was invited to various holiday parties and had to really consider whether it was safe and prudent to attend, as they would guarantee interaction with developers and landowners. Also had a conversation with a young couple who recently moved to Ennis and are seeking involvement in community (both Ennis and Big Sky). Had questions on how to proceed with becoming both a home and business owner in Madison County.

7. Public Hearing opened: 6:20 pm

John Fountain read the statement of Process and Rights.

A. Growth Policy: Big Sky Master Trails Plan

Adam Johnson reviewed a summary presentation of the Big Sky Master Trails Plan. *Charity Fechter referred board members to the resolution included in their meeting packets.*

Planning Board comments/questions: Responses are in italics are from Adam Johnson unless otherwise noted.

- Pat Bradley: Define 'public' and 'interest' use. *Access is open to everyone, although some fees may be involved. Are you concerned with overcrowding on trails? Not at this point and this plan will help to create more space for users. Is there enough available parking? Doubling available parking and trying to create more parking away from roadsides. What are Gallatin County's thoughts on this plan? Ciara Wolfe responded that Gallatin County has no active Growth Policy; waiting until they have one updated and will, at that point, ask to be included; will be taking this resolution to Gallatin County for adoption as-is. Big Sky trails has seen over 30% user growth in 2016-2017 and are now up to 340,000 users.*
- John Fountain: Are there more hikers than skiers using the trails? *Ciara Wolfe responded that there were more skiers than hikers last year but added that vehicle data isn't 100% accurate. Julie Cunningham would say that more trails is great for both humans and wildlife.*
- Tamara Millican-Wood: Where does funding come from and who handles trail maintenance? *Big Sky has two full time managers and also utilizes volunteers. Funding is from resort tax and donors. Are funds in-hand now? Not yet, as the annual budget hasn't been consulted, but following philanthropic history. Nothing is guaranteed right now but no project will begin until funds are actually in-hand.*
- Darlene Tussing: Have you consulted the transportation alternative funding? *Ciara Wolfe responded that the Tiger Grant has been utilized and Steve Johnson added that a CTAP grant was utilized ~10 years ago. Ciara Wolfe explained that there are many partnerships for parks and recreation trail space and there are no specific taxes for this use. Pat Bradley asked if they have asked to be included in the resort tax? Ciara Wolfe responded that they haven't yet asked for any of the*

resort tax fees but reiterated that they get support from donors and partners. Maintenance is always an issue and requires more than volunteers. Two full time employees, in addition to volunteers, will address trail maintenance. Will need to address trail conditions yearly.

- John Fountain: It would be great to adopt a similar plan throughout Madison County, with some adjustments.

Public Comments Opened

- Steve Johnson, Big Sky resident and board member: Adopting plan is useful for reference and is consistent with development within Big Sky. The Master Trails Plan involves not just Big Sky but also other connecting trails to surrounding areas. Fully endorse adopting this plan.
- Candace Strauss, Big Sky Chamber: Big Sky is a recreation destination, with hiking as the primary driver. The Master Trails Plan is reflective of that. Asking the Planning Board to adopt this plan.

Public Comments Closed

MOTION: To adopt Resolution 1-2019, recommending that the Board of County Commissioners Big Sky Master Trails Plan. Moved by Darlene Tussing; seconded by Jacqueline McCurdy. Motion passed unanimously.

Public Hearing Closed at 6:45 p.m.

8. Subdivision

- A. Pre-Application – Freddy’s Place/Housman:** Reviewed by Leona Stredwick as included in the packet and on file.

Planning Board comments/questions: Responses are in italics are from Chad Housman unless otherwise noted.

- Charity Fechter: Are you creating three parcels? *Chad Housman confirmed.*
- Rita Owens: What is ‘ag exemption’? *Charity Fechter responded that the land is used for agricultural purposes only with no sewer, etc. So this is a subdivision? Charity Fechter confirmed.*
- Tamara Millican-Wood: Is this a new lot for a homestead? *Yes.*

Leona Stredwick reviewed the geotechnical report waiver request, submitted by Chad Housman, as included in the packet and on file, indicating that any concerning geotechnical factors would be mitigated further along in the subdivision process.

MOTION: To waive the geotechnical report for Freddy’s Place/Housman. Moved by Rita Owens; seconded by Tamara Millican-Wood. Motion carried.

- B. Pre-application – Eglise Village Subdivision PUD: Reviewed by Leona Stredwick as included in the packet and on file.

Planning Board comments/questions: Responses are in italics are from Mike Ducuennois unless otherwise noted.

- John Fountain: How big is the multi-family building? *Four stories and 68,000 sq ft with underground parking.* Is there an issue with the 50' right of way? *Will request a variance further into the subdivision process.* How many more planned units? 39.

- C. Pre-application – Lower Ulery's 4: Reviewed by Leona Stredwick as included in the packet and on file.

Christina Calabrese further summarized details of the project and what will be seen from the bus tour later in the week. Also noted that they will be requesting a waiver for the seasonal emergency egress. Charity Fechter added that the Big Sky Fire Chief is satisfied with on-foot access out of area.

Planning Board comments/questions:

- John Fountain: The egress is for foot traffic only? *Christina Calabrese responded that the egress is for foot traffic only during the winter season, as it is a ski run, but otherwise is open to all modes of transportation. Trever McSpadden added that they are hoping to process the waiver under the ODP.*
- Pat Bradley: Is the roadway into this subdivision on a fault line? *Trever McSpadden confirmed that the road is on a fault line and further explained that there are multiple fault lines in the area.*

- D. Pre-application – Lee's Pool Subdivision PUD: Reviewed by Leona Stredwick as included in the packet and on file.

Kevin Germain discussed details of the project and summarized what the bus tour will include. Also explained that a new entry road off Jack Creek Road by the new gate.

Planning Board comments/questions: Responses are in italics are Kevin Germain unless otherwise noted.

- John Fountain: Is there a map of the salamander crossing? *Pointed out the map identifying Rhett's Bridge within the packet.*
- Darlene Tussing: Will you still offer glamping? *Planning to relocate the glamping but don't have any specifics yet.*
- John Fountain asked if Moonlight Basin will follow proper permitting processes when glamping is relocated? *Yes!* Concerned that this project will get started and then sit empty or incomplete due to lack of finances, so who's going to ensure this project is completed (including ski lifts)? *There won't be any marketing or major construction until financing is secure. Ski lifts will be a shared responsibility with Boyne.*

- Pat Bradley: The acreages listed within the packet are not adding up. *Not all the acreages are accurate due to realigning boundaries.*
- John Fountain: Moonlight Basin does tricky projects and this looks to be no exception. *Trying to best utilize and respect Lee's Pool area by breaking up use between buildings. The company designing this project is known for understated but luxury developments (looked at the one&only.com website).*
- Darlene Tussing: Did you seek this company? *They sought us and it's been an interesting process.*

9. Planning Board Monthly Report

- A. Cody Marxer reported on her attendance at the Mountain and Resort Town Planner's Summit in Canmore, Alberta, in November.
- B. Charity Fechter shared information from the Montana Wildlife and Transportation Summit.
- C. Charity Fechter reviewed the Planning Monthly Report and shared the Montana Association of Planners legislative tracking table.

10. Old Business:

John Fountain shared that Moonlight Basin conservation easement properties are moving ahead. Pat Bradley stated that she is not understanding this issue. John Fountain responded that these properties were included in the Moonlight Basin ODP. Tamara Millican-Wood asked if these properties would have building envelopes? John Fountain confirmed. Charity Fechter added that these properties couldn't be developed without going through subdivision; they are included in the ODP cap and Moonlight agreed to put those into conservation easements; reminded everyone that nothing is certain yet and nothing is yet approved on these properties. John Fountain offered that there are great tax incentives with conservation easements, so anticipates most owners will go this route. Tamara Millican-Wood asked if the gate on Jack Creek Road had been moved? Darlene Tussing confirmed. Charity Fechter added that it had to be moved. John Fountain added that when the gate moved, subdivision became possible below it and that's why landowners are upset; the gate relocation also opened up access into Spanish Peaks. Charity Fechter stated that there are implications with road accessibility. John Fountain added that the landowners feel they have built and maintained that portion of the road, so they'd prefer Madison County vacate it so taxes aren't collected on it. John Fountain concluded by stating that his main concern is that the resident elk are protected and considered.

11. Nomination and Election of Officers:

Lincoln Roberts of the Election Nomination Committee nominated Darlene Tussing for President and Ethan Kunard for Vice-President.

No other nominations were presented.

Nominations closed.

MOTION: To elect Darlene Tussing as President and Ethan Kunard as Vice-President, as nominated. Moved by Pat Bradley; seconded by John Fountain. Motion passed unanimously.

12. Board Functioning

- A. Rules of Order handout supplied for independent review.
- B. Meeting Decorum handout supplied for independent review.

13. New Business

- A. Charity Fechter reiterated that the four required meetings per year are in January, April, July and October. The May meeting will be held on the Tuesday following Memorial Day.

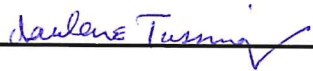
MOTION: To conduct the May 2019 meeting on the Tuesday following Memorial Day (May 28, 2019). Moved by Jacqueline McCurdy; seconded by Rita Owens. Motion carried.

B. Planning Board Member Reports

- Pat Bradley: Shared an article from the Enterprise about the overabundance of housing in Livingston.
- John Fountain: Spoke with a government professor from MSU about board legalities; important to discuss ex parte discussions for transparency. Threatened lawsuits are frightening, which brings up questions about indemnification of board members. Finding it difficult to live under a microscope with legal threats; don't want to have to be so concerned with who interactions occur with. Therefore, it is necessary to resign from the Planning Board. Pat Bradley stated that she is very disappointed but sees the conflict and reminded everyone that members who have relationships or exchanges with developers can recuse themselves from voting on related projects. John Fountain stated that the risk is too big for the reward. Tamara Millican-Wood offered that it is expensive to keep yourself legally protected with attorneys and retainer fees. Charity Fechter added that she understands the situation but believes it's overkill because Madison County is a small community, which is why the ex parte communications are shared in meetings. Tamara Millican-Wood suggested that the county attorney give insight into these types of situations. John Fountain stated that the Planning Board has done great things and set great precedence; he's glad to have been a part of it. Darlene Tussing asked what she should expect as the Board President? John Fountain responded that with the Moonlight Basin ODP complete, there probably won't be as much of an issue. Pat Bradley reminded everyone that the Planning Board is an advisory authority only and that members do not need to back down to conversations with developers and community members, as ex parte reporting occurs.
- Tamara Millican-Wood: Happy to be part of the Planning Board.

14. Adjournment

MOTION: To adjourn the meeting at 9:10 p.m. Moved by Rita Owens; seconded by John Fountain. Motion carried.



Darlene Tussing, President



Cody Marxer, Secretary